



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1800

Introduced 2/20/2015, by Sen. Heather A. Steans - John G. Mulroe

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-20-16

Amends the Illinois Municipal Code. Provides that retail food establishments in a municipality in a county having a population of 2,000,000 or more inhabitants shall either receive one inspection every 2 years or submit one self-inspection report every 2 years if certain criteria are met. Requires the local health department for such retail food establishments to develop the self-inspection form and submit it to the Department of Public Health for approval before it may be used. Effective immediately.

LRB099 09086 JLK 29276 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 11-20-16 as follows:

6 (65 ILCS 5/11-20-16)

7 Sec. 11-20-16. Retail food establishments.

8 (a) A municipality in a county having a population of  
9 2,000,000 or more inhabitants must regulate and inspect retail  
10 food establishments in the municipality. A municipality must  
11 regulate and inspect retail food establishments in accordance  
12 with applicable federal and State laws pertaining to the  
13 operation of retail food establishments including but not  
14 limited to the Illinois Food Handling Regulation Enforcement  
15 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary  
16 Food Preparation Act, the regulations of the Illinois  
17 Department of Public Health, and local ordinances and  
18 regulations. This subsection shall not apply to a municipality  
19 that is served by a certified local health department other  
20 than a county certified local health department.

21 A home rule unit may not regulate retail food  
22 establishments in a less restrictive manner than as provided in  
23 this Section. This Section is a limitation of home rule powers

1 under subsection (i) of Section 6 of Article VII of the  
2 Illinois Constitution on the concurrent exercise by home rule  
3 units of the powers and functions exercised by the State.

4 (b) A municipality may enter into an intergovernmental  
5 agreement with a county that provides for the county's  
6 certified local health department to perform any or all  
7 inspection functions for the municipality. The municipality  
8 must pay the county's reasonable costs. A municipality may  
9 enter into an intergovernmental agreement with a local health  
10 district, as defined in Section 11 of the Public Health  
11 District Act and that serves the entire municipality, to  
12 regulate and inspect retail food establishments for the  
13 municipality. An intergovernmental agreement shall not  
14 preclude a municipality or local health district from  
15 continuing to license retail food establishments within its  
16 jurisdiction.

17 (b-5) Notwithstanding subsections (a) and (b) of this  
18 Section, retail food establishments in a municipality in a  
19 county having a population of 2,000,000 or more inhabitants  
20 shall either receive one inspection every 2 years, or shall  
21 submit one self-inspection report every 2 years only if:

22 (1) the retail food establishment's local health  
23 department requires it; and

24 (2) the retail food establishment's local health  
25 department is subject to a grant award maximum that is  
26 lower than what the local health department would otherwise

1       receive based on criteria set forth in 77 Ill. Adm. Code  
2       Part 615. A local health department under this subsection  
3       must develop the self-inspection form and submit it to the  
4       Department of Public Health for approval before it may be  
5       used.

6       (c) For the purpose of this Section, "retail food  
7       establishment" includes a food service establishment, a  
8       temporary food service establishment, and a retail food store  
9       as defined in the Food Service Sanitation Code, 77 Ill. Adm.  
10      Code Part 750, and the Retail Food Store Sanitation Code, 77  
11      Ill. Adm. Code Part 760.

12      (Source: P.A. 98-193, eff. 8-6-13.)

13             Section 99. Effective date. This Act takes effect upon  
14      becoming law.